

REMARKS-General

1. The claims 1, 3 and 6-8 are amended to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112. No new matter is included.

Response to Rejection of Claims 1 to 8 under 35USC103

2. The Examiner rejected claims 1 to 8 over Kralik, but this patent fails to suggest the invention of claims 1 to 8, including the following distinctive structural features:

(i) four fabric linings being **compressed and vulcanized** until the fabric linings are **integrally united with the rubber pieces respectively to form four inner elliptical construction liners** (as claimed in claims 1 and 3);

(ii) the construction liners are overlappedly attached on insides of the cover skins respectively to **support the cover skins** to form the cover pieces (as claimed in claim 1);

(iii) the outer elliptical cover skin of each of the cover piece being made of synthetic leather with a **backing of foaming material** (as claimed in claim 2);

(iv) the two fabric linings being attached to both sides of the rubber piece respectively, and **the two fabric linings and the middle rubber piece are overlapped and placed inside an elliptical shaped compression groove of the press mold**, in which the rubber piece, the fabric linings, and the compression groove have identical shape and size that is larger than the size of the construction liner to be produced (as claimed in claim 5);

(v) two fabric linings are integrally attached to **both sides of the rubber piece** respectively and **compressed and vulcanized to integrally unite with the rubber piece to form the integral liner piece** (as claimed in claim 6);

(vi) two rubber pieces are placed between the two fabric linings respectively and **compressed and vulcanized to integrally unite with the fabric linings to form the integral liner piece** (as claimed in claim 7); and

(vii) the two rubber pieces are placed between the three fabric linings intervally and compressed and vulcanized to integrally unite with the three fabric linings to form the integral liner piece (as claimed in claim 8).

3. Kralik merely describes an inflatable padded game ball wherein the liner assembly 18, as shown in 7, is a multi-layer construction, including an outer reinforcement layer 24 made of woven fabric, preferably polyester, a control layer 26 of sheet material, preferably ethylene vinyl acetate, and an inner reinforcement layer 28 of the same material as outer layer 24, wherein the outer and inner woven reinforcement layers 24 and 28, respectively, are **embedded** in the middle layer 26, as described in column 3, lines 12 to 23, of the Kralik's specification.

4. The applicant respectfully submits that Kralik merely suggest a three layers (multi-layer) liner assembly which is merely embedded construction of an outer reinforcement layer and an inner reinforcement layer sandwiching a control layer made of ethylene vinyl acetate. Kralik fails to suggest or make any mention whatsoever of a construction liner which is an integral liner piece that at least one fabric lining is compressed and vulcanized with at least a rubber piece until the fabric lining is integrally united with the rubber piece. In other words, what is disclosed in Kralik is a three-layers sandwich structure and what is claimed in the instant invention is an integral piece in which the fabric lining and rubber piece are compressed and vulcanized to unite to form an integral construction liner.

5. The Examiner appears to reason that it would have been obvious to one of ordinary skill in the art to replace the ethylene vinyl acetate sheet of Kralik with a rubber sheet in order to take advantage of rubber's well known physical characteristics. The applicant respectfully submits that "The mere fact that a reference could be modified to produce the patented invention would not make the modification obvious unless it is suggested by the prior art." *Libbey-Owens-Ford v. BOC Group*, 4 USPQ 2d 1097, 1103 (DCNJ 1987). In addition, while it is permissible to modify a reference's disclosure in the examination of patent applications, such modifications are not allowed if they are prompted by an applicant's disclosure, rather than by a reasoned analysis of the prior art and by suggestions provided therein. *In re Lesilie*, 192 USPQ 427 (CCPA 1977).

6. Furthermore, the applicant respectfully submits that the rubber piece as claimed in the instant invention, after the compression and vulcanization, is no longer a mere rubber piece but integrally united with the fabric lining to form an integral piece of construction liner. However, the ethylene vinyl acetate sheet of Kralik's liner assembly is only embedded with two fabric layer at two sides only.

7. Please be indicated that "To prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the examiner to show a motivation to combine the references that create the case of obviousness. In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited art references for combination in the manner claimed... [T]he suggestion to combine requirement stands as a critical safeguard against hindsight analysis and rote application of the legal test for obviousness..." In re Gorman, 933 F.2d 982, 986, 18 USPQ 2d 1885, 1888 (Fed. Cir. 1991).

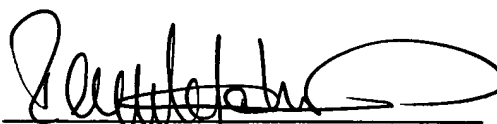
8. In other words, the mere fact that a reference could be modified to produce the patented invention would not make the modification obvious unless it is suggested by the prior art." Libbey-Owens-Ford v. BOC Group, 655 F. Supp. 897, 903; 4 USPQ 2d 1097, 1103 (DCNJ 1987). While it is permissible to modify a reference's disclosure in the examination of patent applications, such modifications are not allowed if they are prompted by applicant's disclosure, rather than by a reasoned analysis of the prior art and by suggestions provided therein. In re Leslie, 192 USPQ 427 (CCPA 1977). Applicant believes that for all of the foregoing reasons, the claims 1 to 8 are in condition for allowance.

9. The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

10. In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the rejection are requested. Allowance of claims 1 to 8 at an early date is solicited.

11. Should the Examiner believe that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

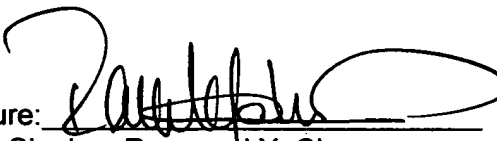


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CERTIFICATE OF MAILING

I hereby certify that this corresponding is being deposited with the United States Postal Service by First Class Mail, with sufficient postage, in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: September 02, 2003

Signature: 
Person Signing: Raymond Y. Chan